

**DURHAM CITY COUNCIL WORK SESSION
THURSDAY, SEPTEMBER 8, 2022 @ 1 PM
IN-PERSON & VIRTUAL
MEETING**

The Durham City Council held an in-person and virtual Work Session on the above date and time in the City Hall Council Chamber, 101 City Hall Plaza in Durham, North Carolina with the following members present: Mayor Elaine O’Neal, Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey-Hyman and Leonardo Williams. Absent: None.

Also present: City Manager Page, City Attorney Kimberly Rehberg, City Clerk Diana Schreiber (attending virtually) and Deputy City Clerk Ashley Wyatt.

[CALL TO ORDER]

Mayor O’Neal called the meeting to order, welcomed everyone to the Work Session.

[ANNOUNCEMENTS BY COUNCIL]

Mayor O’Neal offered condolences to her colleague, Council Member Freeman on the loss of her loved one, her sister, and asked that her colleagues lift her up in thought.

Council Member Johnson requested that City-County Planning staff provide a report on development in the SRLS (Southeast Regional Lift Station) Basin regarding sediment run-off, water quality and potential public health issues.

City Manager Page responded that a staff report would be forthcoming.

Council Member Holsey-Hyman recognized the Community Safety Department launched in June 2022 and there was preliminary data, of which, she announced; and congratulated the Department’s leadership, Ryan Smith, for its successes. She also announced National Hispanic Heritage Month (September 15 – October 15).

Council Member Freeman added and appreciated NC-DEQ (North Carolina’s Division of Water Resources) was conducting a water analysis and that the timeline for the staff report could coincide with the state study.

Council Member Caballero remarked that it was a change to see numerous audience members and appreciated them.

[PRIORITY ITEMS OF THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Page requested that the rules be suspended on Item 8 and that Council be requested to vote on the item.

Item 9, Interlocal Agreement with Durham County for Master Aging Plan– in memo, track changes removed in Attachments 1 & 2

Item 10, Annexation Ordinance, South Mineral Springs and Pleasant Annexation Ordinance Correction.

Item 14, Bull City United Update & Contract Renewal. Presentation item.

Item 15, Renew Interlocal Agreement with Durham County for Gang Reduction Strategy. Motion revised.

Item 19, Award of service contract for lead and copper rule program Management- CDM Smith. Attachment 2 removed.

Item 31, FY21-22 4th Quarter Financial Report. Presentation item.

Item 33, Consolidated Annexation, 1409 Doc Nichols Road. Attachments 3, 5,7 20 replaced

Item 34, Consolidated Annexation – 7926 Massey Chapel Road. Attachment 5 re-labeled, and Attachment 7 revised to correct formula.

City Manager Page acknowledged there were many new members of the City Manager's Office who were handling the Agenda and thanked them for their work.

MOTION by Council Member Freeman, seconded by Council Member Hyman, approved the City Manager's Priority Items at 1:09 p.m. by the following vote:
Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton, and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.
Absent: None.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Hyman, to suspend the rules in order to vote at 1:10 p.m. by the following vote:
Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton, and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.
Absent: None.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to approve Item 8) US Department of Transportation – Federal Aviation Administration – Airport Improvement Grant Program, to approve the Raleigh-Durham Airport Authority's acceptance of a grant offer in the amount of \$13,522,729 from the Federal Aviation Administration Airport Improvement Program (Grant Offer 3-37-0056-060-2022) at 1:12 p.m. by the following vote:
Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton, and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None.
Absent: None.

MOTION by Council Member Williams, seconded by Mayor Pro Tempore Middleton, to authorize the City Manager to execute the associated Grant Agreement at 1:12 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton, and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Absent: None.

Deputy City Attorney Don O’Toole stated there were no priority items from the City Attorney’s Office.

Deputy City Clerk Wyatt requested that Item 4, Durham Housing Authority Board of Commissioners - Mayoral Appointment be pulled and returned to the City Clerk’s Office.

MOTION by Council Member Freeman, seconded by Council Member Holsey-Hyman, to approve the City Clerk’s Priority Item, was approved at 1:13 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton, and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Absent: None.

Mayor O’Neal read the printed agenda and requested Council to pull those for additional discussion.

The following items were pulled: Items 9, 14, 15, 21, 27 and 30.

[PUBLIC COMMENT]

SUBJECT: BRANDON WILLIAMS (ITEM 38/ PR 15706)

To receive comments from Brandon Williams regarding integrating the priorities of Durham residents with Northwood Investors’ changes to the zoning at Northgate Mall.

Mr. Williams address the community outreach involved in the planning process. He stated the proposed development omitted residential and called for affordable housing at the location.

Deputy City Attorney O’Toole cautioned Council to refrain from commenting on cases that were undergoing litigation with the City.

Dawn Blagrove, Attorney, representing Emancipate NC, spoke to the importance of police accountability and urged reparations.

Darryl Howard, resident, noted that he was incarcerated for 22 years and requested compensation.

A public speaker addressed police misconduct and the need to work with those impacted by law enforcement.

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR MASTER AGING PLAN IMPLEMENTATION (ITEM 9/ PR 15701)

Keith Chadwell, Assistant City Manager, addressed the change over of the fiscal years and that the County had not decided on the provider which delayed the process.

City Manager Page noted that until the program was completed/developed, then the funds would be appropriated. If the program was not developed, then the funds would revert back to Fund Balance at the turn of the fiscal cycle.

SUBJECT: RENEW INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR GANG REDUCTION STRATEGY (ITEM 15/ PR 15658)

Council Member Williams addressed Community Safety Director Ryan Smith.

Director Smith deferred to James Stuit, Gang Reduction Strategy Manager, to respond to Council's questions.

Council Member Williams inquired about the status of the recommendations contained in the Comprehensive Gang Assessment.

Mr. Stuit addressed the recommendations and how youth became involved in gangs, starting in pre-K and going through the school system. He spoke to Project Build and youth engagement. He also spoke to the inter-relationship between the Sheriff's Office, Police Department and Durham County.

Council Member Williams inquired about which programs were effective and spoke to various programs/initiatives designed to address youth gang involvement and asked about coordination of the programs. He encouraged more pro-active resources and what were the preventive measures being introduced.

Mr. Stuit spoke to coordination by the Steering Committee and its sub-groups. He spoke to DPS suspension policies, noting that long-term suspensions were counter-productive. He favored improving graduation rates with psychological support services.

Council Member Freeman addressed prevention efforts that encompassed multiple programs; spoke to removing systemic barriers for black and brown children; and urged support of pre-k programs, access to housing, jobs and internships. She addressed unarmed responses by Police, how the FADE Recommendations had been pushed past and focused on actual work being done by City and County.

Council Member Williams addressed the game reduction strategy, reactionary versus proactive strategies; and would continue asking questions about the topic.

Council Member Holsey-Hyman urged student involvement and connecting students to the community; and spoke to retention of youth as young as third grade as was apparent in evidence based frameworks.

**SUBJECT: CHANGE ORDER #3 – GILBANE BUILDING COMPANY
CONSTRUCTION MANAGER AT RISK CONTRACT #14459 FOR
THE DEPARTMENT OF WATER MANAGEMENT FACILITY
COMPLEX (ITEM 21/ PR 15628)**

Mayor Pro Tempore Middleton inquired with Water Management Director Don Greeley about the amount of the change order. He asked about the description of the rationale to cover additional costs for Phase 2 construction, conduit for EV charging systems, and COVID/supply chain cost increases. He referenced Attachment 2 – description of change order of the \$4 million and inquired about the bidding process.

Director Greeley noted that COVID supply chain and inflation had predominant impacts on costs. He noted that the maintenance facility lifts used to maintain vehicles had gotten lengthier. There was over \$1 million in electrical conduit installation, thus investing in the future. He responded to how bidding processes were conducted by Water Management. Only one company responded to the bid request and would provide details on how the package was advertised to Council.

**SUBJECT: CONTRACT FOR SHOTSPOTTER RESPOND SERVICES
AGREEMENT (ITEM 27/ PR 15666)**

Council Member Johnson asked about refinement on data collection and evaluation plan for Shotspotter.

Police Chief Patrice Andrews recognized Mr. Jason Schiess, Analytical Services Manager, Police Department, to speak to response, evidence collection and how metrics would be reported to Duke University's Wilson Center for Science and Justice for evaluation.

Mr. Schiess noted that the policy was still under development and the ultimate measure was if violent crime was dropping in those specific areas of the city.

Council Member Johnson spoke to overall increased police presence that could impact the number of persons being arrested in subject area versus the control area; and spoke to 4th amendment concerns, challenging police from searching vehicles – lacking probable cause and what policies would be put in to place to avoid these types of concerns.

Chief Andrews addressed using ShotSpotter and the basis for interaction with community members, would not be allowed. Alerts did not allow the officer to move further without there being something else consisting of 'cause'.

Council Member Johnson continued her line of questioning, related to police officers arriving at a ShotSpotter alert scene and responding to it as an active shooter incident; and asked how officers would approach and respond to a scene of ShotSpotter activation.

Chief Andrews explained how officers would approach a scene of a ShotSpotter alert; and noted that it was comparable to a traffic accident alert. Police would assess if there were any persons hurt, and would leave door hangers to the community that indicated a ShotSpotter activation.

Mayor Pro Tempore Middleton noted the ultimate efficacy of the software remained with Council. He compared participatory budgeting to the ShotSpotter pilot.

Council Member Freeman addressed multiple shots and requested policy and procedures being laid out related to how PD response would be conducted. She urged analysis of bullet casings as evidence in other crimes.

Chief Andrews addressed how Forensics processed bullet casings and independent rounds.

Mr. Schiess addressed comprehensive collection of shell casings and other leads resulting from other shell casings.

Council Member Caballero appreciated the different types of evaluations and asked about the response rates related to ShotSpotter.

Chief Andrews noted that shots detected on ShotSpotter would increase from a Priority 3 to a Priority 2 status. It was still unknown how the software would affect staffing. Mr. Schiess spoke to response times. Officers and dispatchers would receive the alerts simultaneously.

Council Member Caballero requested the item be shifted to General Business Agenda from the Consent Agenda. She also emphasized that Participatory Budgeting Pilot was evaluated and has such incorporated into its cycles.

Council Member Holsey-Hyman was appreciative of the ShotSpotter Pilot.

Chief Andrews had scheduled a series of Community Forums with PACs 4 and 5 with ShotSpotter representatives and Police staff. Refer to the ShotSpotter platform for dates/locations.

Council Member Williams addressed the element of trust and efforts to do something against gun violence.

Council Member Johnson supported tools that would save lives and had public health benefits were to be supported, but if the technology leads to a person losing their lives or falsely imprisoned, would Council be to say with equal concern, if software damage one individual, would Council get rid of the software. She spoke to balancing serious harm/costs with potential its benefits.

Chief Andrews spoke to how response times would be assessed and wanted to avoid the skewing of data.

Mayor O’Neal expressed thanks to Chief Andrews and spoke to the new technology, the need for accurate data, and noted ShotSpotter was a tool for the toolbox.

SUBJECT: CONTRACT WITH EDGE ONE SOLUTIONS INC FOR THE NICE INFORM ELITE INTELLIGENCE CENTER (ITEM 30/ PR 15672)

Kerry Goode, Chief of Technology Solutions, responded to Council’s questions related to the service contract.

Mayor Pro Tempore Middleton inquired about what happened following the one-year contract.

Director Goode noted that prior to making a large investment, it was his practice to ensure the solution was working properly prior to committing for a longer period of time.

[PRESENTATIONS]

SUBJECT: BULL CITY UNITED UPDATE AND CONTRACT RENEWAL (ITEM 14/ PR 15657)

Director of Community Safety Ryan Smith deferred to two members of Bull City United for the presentation, David Johnson – Supervisor of BCU, who updated Council on the 4th Quarter Report on a presentation titled, *Bull City United Expansion Update, July 31, 2022, FY21-22 and Q4 Update*.

The presentation consisted of the following:

- Bull City United Program Overview
 - Detect/Interrupt
 - Identify/Treat
 - Mobilize

Expanded Census Tract mapping (from 2 to 4 tracts)- tract focus
Onboarding Timeline- 12 new hires
Shooting statistics by Census tract including homicides
Caseload and participant data

Mayor O'Neal asked her colleagues for their remarks.

Council Member Williams addressed the statistics and sought to invest in what was working in the census tracts.

Mr. Johnson noted that the initiative had been successful.

Council Member Caballero indicated that there was unanimous support of the program; and asked for participants to speak before Council.

Council Member Johnson requested Mr. Johnson to resend the PowerPoint presentation to Council; she also asked about the vision for the future.

Mr. Johnson stated that the employees were expecting to move into the Community Intervention and Support Services consisting of Bull City United, My Brother's Keeper and Project Build.

Council Member Freeman expressed support for the program, emphasized the need for how the numbers happen, appreciated the passion by the participants, and focused on the integration of the various programs and trusted relationships.

Mayor Pro Tempore Middleton supported the expansion of the Bull City United Program from two to four census tracts; and encouraged the members of Bull City United to focus on their work and knowing that their work was making an impact.

Mayor O'Neal highlighted the growth of local community members in connecting community with resources; and appreciated their efforts.

**SUBJECT: FY2021-22 FOURTH QUARTER FINANCIAL REPORT (ITEM 31/
PR 15693)**

Finance Director Tim Flora made the staff presentation and guided Council through a PowerPoint titled, *FY2021-22 4th Quarter Year-End Financial Report*.

The presentation contained the following:

Summarized the revenues and expenses

Overall financial status is good and aligns with expectations.

Summary Results:

Departmental expenditures projected to be under budget by approximately \$12.9M

Budget savings were \$5.8M in personnel costs and \$71.2M in operating and other expenses

All Department, except Audit Services and Fire ended the year within budget

Total revenues were \$20.3M over budget

New revenues over expenditures were \$7.4M

Displayed charts of General Fund Major Revenue Quarter 4 2022 v 2021

Sales Tax, Permits, Powell Bill, Charges for Service – Multi Year comparison

Revenues: General Fund, Water & Sewer Fund, Transit Operations, Stormwater Fund, Parking Fund, Performing Arts Center Fund

Council Member Williams addressed parking fees and increases.

City Manager Page explained that budget changes can be focused on during the budget cycle and noted parking consultants assisted with financial planning related to parking assets.

Mayor O’Neal announced a break at 3:30 p.m. The meeting resumed at 3:42 p.m.

SUBJECT: PRESENTATION BY CRAIG DAVIS PROPERTIES TO PURCHASE DURHAM CENTRE PARKING DECK (ITEM 32/ PR 15692)

Bill Judge, Deputy Transportation Director, introduced representatives of Craig Davis Properties: Earl Guill, Jr. Vice President for Development, Craig Davis Properties, and Craig Davis, representing Craig Davis Properties.

The presentation focused on a project called The James; the presentation contained the following:

The James

Offer Price- \$5M to purchase the parking deck

Offered \$650,000 contribution to the City’s Affordable Housing Fund

Multi-family component resulting from the tower

308 market rate units- studio, 1, 2, 3 bedroom units

13,500 square feet retail space at street level

Taxes estimated total real property tax base of \$138.6M (2022 evaluation)

Economic Impacts (during/after completion)

Public Parking arrangements

Enhancements

Height: 32 stories from street level; 320 feet elevation from the street.

One City Center is 27 stories.

Mayor Pro Tempore Middleton inquired about how city sales functioned; and asked what threshold needed crossing at which point was an appraisal engaged.

Mr. Judge addressed air rights and city ownership of the garage; General Services conducted an appraisal;

Mayor Pro Tempore Middleton continued his questions; asked about the design element;

Mr. Guill, Jr. handed out a rendering of the design to Council. Council Member Johnson inquired about air rights in this context, what rights were had and how was the negotiation being handled.

Assistant Attorney Fred Lamar noted that the project represented a three-way development plan that originated in mid to late 1980s.

- City owner of land and air rights to the top of the parking deck
- There were additional air rights to each of the twin tower owners. Two towers were identical to one another.
- The developer will need to change the arrangements by purchasing the city's rights in the deck.
- City has no right to build anything beyond the plaza/parking deck.
- Tower owners have the rights to build above the parking deck.
- The developer would buy the deck from the city then sell half of the deck to the owner of the second tower.

Mr. Guill, Jr. discussed the parking logistics; and explained construction of 6 levels on the west side of the deck, with five of the levels being available to tower residents.

Council Member Johnson inquired about parking capacity; asked about the rationale for not including affordable housing units on site; and asked about the developer's profit prediction.

Mr. Judge stated there was adequate parking capacity since the city constructed the Morgan/Rigsbee Deck.

Mr. Guill, Jr. noted that from an economic standpoint it was more advantageous to offer a contribution for units. He did not provide an estimated profit figure.

Council Member Johnson spoke in support of affordable housing on-site; and requested the developer run the numbers to include six affordable housing units on-site, representing a community benefit.

Council Member Freeman concurred with her colleague in relation to including affordable housing on-site.

Mr. Guill, Jr. noted there would be bike accommodations on-site.

Assistant City Manager Keith Chadwell indicated that Parks and Recreation had not been involved in negotiations to date related to the Armory.

Mayor Pro Tempore Middleton advocated for affordable housing units in Downtown; and spoke to the conundrum associated with putting affordable housing in a location that did not have services affordable to those residents. He also asked about revenues coming in from the parking deck of question.

Council Member Caballero asked about the types of jobs expected and what would the wages be; and requested a responsive robust community benefits package from developers.

Mr. Guill, Jr. spoke to building management (concierge service, leasing agents, third party maintenance, etc.) opportunities.

Mayor O'Neal inquired about the third property owner and asked what the benefit would be to the city. The city currently owned 719 parking spaces, we would lose to have access to 300 parking spaces. Five of the six levels would be private access for residents; allowing one level for public access and asked for clarification on parking spaces.

Mr. Guill, Jr. did not mention a name but noted that a third owner had been identified and was working on a development agreement with the third party and that the offer to the city was tied into the plan. He clarified the east deck would be available for office workers during normal business hours then would open up for the public after hours and on weekends; additional spaces elsewhere were not being proposed.

Mayor O'Neal inquired about the units – were they rentals and at what market rate. She expressed concerns about the lack of affordable housing in Downtown.

Mr. Guill, Jr. confirmed the units were rentals and estimated 1 bedroom rent to be from \$2500 to upwards of \$7000/month. There were four 3 bedroom units planned on the upper floors, estimated at \$7000/month.

Council Member Freeman spoke to increasing housing opportunities for all people and the need for affordable housing on-site. She also asked what a pedestrian bridge looked like.

City Manager Page highlighted some items from the development; noted there had been activity on the complicated transactional environment (three-way ownership); and noted that the developer needed to hear from Council related to the city's interests. She also emphasized that this was a presentation not an action item.

Council Member Williams spoke in consideration of remarks from community and stakeholders; emphasized the need for affordable housing being incorporated into every project (either building in the project or accepting contributions). He urged incorporating economic development in the affordable housing conversation. He asked for a community benefit package and to see how the proposed project would be intertwined in the city.

Mr. Craig Davis addressed Council about the project that involved three owners; provided the background on Durham ID; explained he was committed to building housing due to need; and was listening to Council's remarks.

Mayor O'Neal clarified that there was no public comment on presentation items at Work Sessions.

Deputy Clerk Wyatt announced Council-appointed board, committee, commission and taskforce nominations:

Leiva-Ramos, Maralis Mercado-Emerson were nominated to the Mayor's Hispanic/Latino Committee; Danae Willis to the Workers' Rights Commission; and Mayme F Webb-Bledsoe to the Durham Housing Authority Board of Trustees.

SETTLING THE AGENDA – SEPTEMBER 19, 2022 REGULAR CITY COUNCIL MEETING]

City Manager Page announced the settling of the September 19, 2022 Regular City Council Meeting's Consent Agenda Items 1 through 3, 5 through 7, 9 through 26 and 28 through 30; General Business Agenda Item 27; General Business Agenda Item – Public Hearings, Items 33 through 37.

MOTION by Council Member Freeman, seconded by Council Member Williams, to approve the City Manager's Agenda for the September 19, 2022 regular Council Meeting as approved at 5:00 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson and Williams. Noes: None. Absent: None.

Being no additional business to transact, Mayor O'Neal adjourned the Work Session at 5:02 p.m.

Ashley Wyatt, NCCMC, CMC
Deputy City Clerk

Diana Schreiber, NCCMC, CMC
City Clerk